

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF IOWA

IN RE	)	CASE NO. 06-02229-lmj11
DIOCESE OF DAVENPORT	)	CHAPTER 11
Debtor	)	APPLICATION FOR ORDER REGARDING
	)	TORT CLAIMANTS WHO FILED
	)	BANKRUPTCY

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COMES NOW Wesley B. Huisenga, Renee K. Hanrahan and Bruce P. Kriegman, in their sole capacities as Chapter 7 Trustees in the cases of certain tort claimants, by and through their undersigned counsel, and for their Application states as follows:

1. Upon information and belief, Wesley B. Huisenga is the duly appointed Trustee for the individual bankruptcy cases of certain tort claimants in this proceeding. Said tort claimants have previously filed individual Chapter 7 bankruptcies in either the Northern or Southern Districts of Iowa.

2. Upon information and belief, Renee K. Hanrahan is the duly appointed Trustee for the individual bankruptcy cases of certain tort claimants in this proceeding. Said tort claimants have previously filed individual Chapter 7 bankruptcies in the Northern District of Iowa.

3. Upon information and belief, Bruce P. Kriegman is the duly appointed Trustee for the individual bankruptcy case of a certain tort claimant in this proceeding. Said tort claimant has previously filed an individual Chapter 7 bankruptcy in the Western District of Washington, Seattle Division.

4. To date, Wesley B. Huisenga, in his capacity as Bankruptcy Trustee, has been notified by Debtor's counsel of the identities of at least four individual tort claimants who had previously filed bankruptcy in either the Northern or Southern Districts of Iowa, for which he serves as Trustee. The undersigned understands that Debtor's counsel was directed by this Court to make this contact so that Trustees would be able to take appropriate action to assume control of such claims. Wesley B. Huisenga has been further advised that there may be additional tort claimants, whose identities have not been disclosed, for which he previously served as Trustee.

5. Renee K. Hanrahan has been advised by the U.S. Trustee that there may exist one or more tort claimants who previously filed bankruptcy proceedings in the Northern District of Iowa and for which she serves as Trustee. However, no information as to the identity of such claimants has been provided to her.

6. Bruce P. Kriegman has been advised by Debtor's counsel that there exists one tort claimant who previously filed a bankruptcy proceeding in the Western District of Washington and for which he serves as Trustee.

7. Due to certain confidentiality requirements that have been imposed against disclosing the identities of tort claimants to the public, the identities of one or more tort claimants who have previously filed bankruptcy and, more specifically, information concerning the basis of

said claims, have not been disclosed to the individuals who served as Trustee for their cases, including Trustees Huisenga, Hanrahan and Kriegman, for whom this Application is filed.

8. With respect to any and all individual tort claimants who have previously filed a Chapter 7 bankruptcy, all right, title and interest which said tort claimants may have in any claim, including the right to receive any payment or distribution in satisfaction thereof, constitutes property of the individual tort claimant's bankruptcy estate pursuant to 11 U.S.C. §541(a)(1) and should be turned over to the respective Bankruptcy Trustee of their case pursuant to 11 U.S.C. §542. See, Lobberecht v Chendrasekhar, 744 NW 2d 104 (Iowa 2008)

9. In order to provide for the proper administration of the cases for those tort claimants who previously filed a bankruptcy proceeding, Trustee's Huisenga, Hanrahan and Kriegman request the entry of a Court Order providing for the following relief:

- a. That the Debtor, their attorneys and agents, including but not limited to, Special Arbitrator Richard M. Calkins, Trustee of the Settlement Trust Robert L. Berger, and/or their attorneys and agents, be directed to immediately disclose to Wesley B. Huisenga, Renee K. Hanrahan and Bruce P. Kriegman, the identities of any tort claimants who have previously filed bankruptcy in a case for which either Wesley B. Huisenga, Renee K. Hanrahan or Bruce P. Kriegman served or serves as Chapter 7 Trustee and provide to each Trustee, upon request, a copy of each such tort claimant's claim setting forth the basis and amount of said claim; and provide each Trustee access to any and all information, sealed or unsealed, that the Debtors would have, including but not limited to, the proof of claims, any amendments thereto, and anything filed in relation to the claim and right to distribution, as well as access to any and all details of the claims processing system.
- b. Direct that any payment or distribution to a tort claimant identified as having previously filed bankruptcy, and in which either Wesley B. Huisenga, Renee K. Hanrahan or Bruce P. Kriegman previously served as Trustee, shall be paid directly to his or her Bankruptcy Trustee (i.e. Huisenga, Hanrahan or Kriegman, as the case may be) and that payment should be sent directly to the attention of and made payable to the respective Bankruptcy Trustee; and
- c. Order and decree that the final disposition of any payment to be received by any tort claimant who previously filed a bankruptcy proceeding, shall be determined upon proceedings to be commenced in the individual bankruptcy proceeding of each such tort claimant.

10. Entry of an Order, as requested in paragraph 9 above, would be in the best interest of the creditors of the individual tort claimants at issue, in that it would preserve for the benefit of said creditors their right to receive a distribution from the liquidation of the assets of each individual Debtor's estate, would allow through the claims process a determination of the amount of claims in each such tort claimant/Debtor's estate, and a distribution of the proceeds thereof in accordance with the distribution and priority provisions of Title 11.

WHEREFORE, for the reasons herein stated, Trustees Wesley B. Huisenga, Renee K. Hanrahan and Bruce P. Kriegman pray that the Court enter an Order granting the relief

requested herein and for such other and further Orders as may be just and appropriate under the circumstances.

/s/ Wesley B. Huisenga

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#### CERTIFICATION OF SERVICE

The undersigned hereby certifies under penalty of perjury, that a copy of his document was served electronically on parties who receive electronic notice through CM/ECF as listed on CM/ECF's notice of electronic filing and by first class mail on the 4<sup>th</sup> day of September, 2008 on the following:

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